

HASKINS AND MCGUFFEY

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I have recently received a very handsome set of McGuffey's Eclectic Readers which, the donor suggests, may assist my daughter in shaking off the woeful illiteracy that has plagued her since her birth some three years ago. The McGuffey Readers are the work, at least originally, of the educational reformer William Holmes McGuffey, who introduced them into the American public schools in 1836. They remained the standard reading instruction text for the better part of a century, selling about 125 million copies before they went out of fashion in the 1920's.

In the last few years, I am told, McGuffey has been making a comeback. In 1982, his Readers were introduced into the public schools of Bristol, Virginia, where they were received with great enthusiasm. Sales, which had fallen to 10,000 sets in 1975, reached 150,000 sets in 1982. This unexpected revival is attributed to a certain disappointment with more modern methods of teaching reading, which, some believe, have tended to increase the proportion of the population that is wholly unfamiliar with the written word. And so it is that I am pondering exposing my daughter to Mr. McGuffey, as opposed to a muppet, in an effort to ensure her speedy exit from the otherwise expanding community of illiterates.

I suspect that my friend and teacher, George Lee Haskins, does not frequently ponder Mr. McGuffey or his Readers. The renewed use of McGuffey as a teaching aid, however, does remind me of my first exposure to Professor Haskins' arts in the midseventies. I think it fair to say that when my class arrived at the law school in the autumn of 1975, we considered George Haskins, together with some of his contemporaries, to be somewhat dated. To our minds at least, their courses were not "relevant" to the lawyer's role in the modern world. The Haskins offering of "Decedents' Estates," for instance, ignored the workings of the marital deduction and generation skipping transfers in favor of such arcane matters as conveyancing, shifting uses, and the Rule Against Perpetuities. Similarly, "Land Transactions" eschewed economic analysis of condominium syndications, focusing instead on record and actual notice, adverse possession, and the enforceability of

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deed restrictions. More to the point, all his courses seemed far removed from the more demanding political and social issues of the day, which, we all knew, constituted the real reason lawyers were needed in the world.

I doubt that Professor Haskins lost much sleep over his perceived nonrelevance. As a scholar and a historian it would not have bothered him even if the charge had a measure of truth to it. As a lawyer, however, he knew it to be false. He had enough exposure to practice and practicing lawyers to know that the questions he chose to cover remained illustrative of the problems confronting practitioners in his field. He also knew that many of the more modern sounding issues were virtually certain to be transformed by one or another legislative disaster even before our class had a chance to address them as practitioners. He thus saw no reason not to pass on the body of law and the way of thinking with which lawyers expect to find other lawyers conversant. We were fortunate that he did, for he thereby rendered us legally literate and able to converse with our peers.

A Haskins course in my time was relatively small—perhaps twenty students. It was invariably well taught, and, as a result, free from the all too common absenteeism that sets in after the first year. In fact, many of us found the intellectually stimulating character of his courses to be quite surprising. We had not been led to believe that wills, trusts, and real property were anything other than dry. I still do not know whether Professor Haskins made the dry interesting or whether the subject was never dry to begin with. In either case, he taught us well.

A few of us also had the opportunity to observe and work with Haskins the scholar and author. This Haskins was much like Haskins the teacher: personally warm, interested in our intellectual development, and of course, demanding. I had the pleasure of working on his 1977 article, *Extending the Grasp of the Dead Hand: Reflections on the Origins of the Rule Against Perpetuities*,¹ in which he demonstrated that the Rule Against Perpetuities with which we are familiar began its life as a Rule For Perpetuities. This admittedly counterintuitive piece of historical analysis was quickly accepted, notwithstanding its contrary bent, by the drafters of the *Restatement (Second) of Property*.² For Haskins, of course, the article was a relatively minor effort that he pounded out one summer, in between chapters of yet another book. After all, he already knew everything there was to know about

¹ Haskins, *Extending the Grasp of the Dead Hand: Reflections on the Origins of the Rule Against Perpetuities*, 126 U. PA. L. REV. 19 (1977).

² See RESTATEMENT (SECOND) OF PROPERTY 12-13 (Tent. Draft No. 2, 1979).

The Duke of Norfolk's Case.³ Some say he was there.

While we may expect Professor Haskins' influence to extend well beyond a life in being and twenty-one years, it is unfortunate that his retirement means that he will not be teaching at the University of Pennsylvania in perpetuity. He is, as he himself described the seventeenth century English conveyancer, Sir Orlando Bridgman, "one of the greatest ornaments of his profession."⁴ His loss will be felt. His work at and for the Law School has spanned a full generation of students, a point on which I am a reliable witness, for one of his early students at the Law School was none other than my father, Alfred W. Putnam '47. Not the least of this elder Putnam's blessings was his ability to go off into the world confident that teachers like George Haskins would be around thirty years later to cope with the frequently bungled intellectual development of his eldest son. That son has no such insurance policy for his offspring.

Which brings us back to Mr. McGuffey.

³ 22 Eng. Rep. 931 (1682).

⁴ Haskins, *supra* note 1, at 46.